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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,584	03/29/2001	James F. Riordan	CH92000010US1	3499

48813	7590	11/06/2007
LAW OFFICE OF IDO TUCHMAN (YOR)		
82-70 BEVERLY ROAD		
KEW GARDENS, NY 11415		

EXAMINER	
PYZOCHA, MICHAEL J	

ART UNIT	PAPER NUMBER
2137	

NOTIFICATION DATE	DELIVERY MODE
11/06/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ITUCHMAN@TUCHMANLAW.COM

Office Action Summary

Application No.

09/821,584

Applicant(s)

RIORDAN ET AL.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 30-38 are pending.
2. Response filed 09/24/2007 has been received and fully considered.

Claim Rejections - 35 USC § 103

3. Claims 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boroughs et al. (US 6834350) in view of Riordan et al. (Target Naming and Service Apoptosis).

As per claims 30 and 33, Boroughs et al. discloses a security system comprising: an activation token identifying system characteristics and specifying a threat and at least one preset activation measure, wherein a system characteristic is one of the group of a hardware system, a service, a configuration of a service, a service execution platform, and a service session (see column 2 line 62 through column 3 line 34); a first system configured to at least review security and vulnerability information from information publishers and to provide the activation token based on filtered security and vulnerability information (see column 2 line 59 through column 3 line 10); and a second system configured to determine whether the activation token is relevant by checking if actual characteristics at the second system correspond to the system

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characteristics identified by the activation token, the second system further configured to transform the activation token into at least one activation measure if the activation token is considered relevant by the second system the activation measure configured to modify services executing at the second system (see column 3 lines 35-67 and column 4 lines 1-5) wherein the first system is further configured to automatically filter the security and vulnerability information relevant to the system characteristics identified by the activation token (see column 2 line 59 through column 3 line 10 and Figure 17).

Boroughs et al. fail to explicitly disclose including a threat level within the activation token.

However, Riordan et al. teaches including a trust level (as well as system characteristics) with an activation token (see page 220).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include trust levels with the activation tokens of Boroughs et al.

Motivation to do so would have been to distinguish between the severities of threats (see page 220).

As per claim 31, the modified Boroughs et al. and Riordan et al. system discloses cryptographic means configured to verify at the second system that the first system is a trusted service

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(see Boroughs et al. column 3 lines 55-67 and Riordan et al. pages 220 and 223).

As per claim 32, the modified Boroughs et al. and Riordan et al. system discloses reporting means configured to report to a system administrator of the second system any activation measure taken by the second system (see Riordan et al. page 223 and Boroughs et al. column 2 lines 59-67).

As per claim 34, the modified Boroughs et al. and Riordan et al. system discloses a list of trusted service providers from whom activation tokens are accepted by the second system (see Riordan et al. page 222).

As per claims 35-38, the modified Boroughs et al. and Riordan et al. system discloses a preset activation measure is one of shutting down a service affected by the specified threat level, reconfiguration of the service, installing a patch for the service and altering a system administrator (see Riordan et al. page 223).

Response to Arguments

4. Applicant's arguments filed 09/24/2007 have been fully considered but they are not persuasive. Applicant argues that Riordan is not available as prior art and the rejections amount to conclusory statements.

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With respect to Applicant's argument that the Riordan reference is not available as prior art, as evidenced by the printout from barnesandnoble.com the book which contains the Riordan was published in January 2000, which is more than a year from the filing date of the present application. Therefore, it qualifies as a 35 USC 102(b) prior art and can be properly used in a 35 USC 103(a) rejection.

With respect to Applicant's argument that the rejections amount to conclusory statements, the above rejections contain citations within the main prior art reference as to where the claimed limitations are disclosed. Next, a statement of what the main prior art reference fails to disclose. Followed by a statement of what the secondary prior art teaches and where it teaches it with an obviousness statement and motivation. All of these statements fulfill the requirements of 35 USC 103(a) and are therefore not conclusory statements.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS

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of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJP


EMMANUELLE L. MCGEE
SUPERVISORY PATENT EXAMINER